



Sexual Offences (Protected Material) Act 1997

1997 CHAPTER 39

PROSPECTIVE

Regulation of disclosures to defendant

4 Disclosure to defendant's legal representative.

- (1) For the purposes of this Act the undertaking which a defendant's legal representative is required to give in relation to any protected material given to him under this Act is an undertaking by him to discharge the obligations set out in subsections (2) to (7).
- (2) He must take reasonable steps to ensure—
 - (a) that the protected material, or any copy of it, is only shown to the defendant in circumstances where it is possible to exercise adequate supervision to prevent the defendant retaining possession of the material or copy or making a copy of it, and
 - (b) that the protected material is not shown and no copy of it is given, and its contents are not otherwise revealed, to any person other than the defendant, except so far as it appears to him necessary to show the material or give a copy of it to any such person—
 - (i) in connection with any relevant proceedings, or
 - (ii) for the purposes of any assessment or treatment of the defendant (whether before or after conviction).
- (3) He must inform the defendant—
 - (a) that the protected material is such material for the purposes of this Act,
 - (b) that the defendant can only inspect that material, or any copy of it, in circumstances such as are described in subsection (2)(a), and
 - (c) that it would be an offence for the defendant—
 - (i) to have that material, or any copy of it, in his possession otherwise than while inspecting it or the copy in such circumstances, or

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Sexual Offences (Protected Material) Act 1997, Section 4. (See end of Document for details)

- (ii) to give that material or any copy of it, or otherwise reveal its contents, to any other person.
- (4) He must, where the protected material or a copy of it has been shown or given in accordance with subsection (2)(b)(i) or (ii) to a person other than the defendant, inform that person—
 - (a) that that person must not give any copy of that material, or otherwise reveal its contents—
 - (i) to any other person other than the defendant, or
 - (ii) to the defendant otherwise than in circumstances such as are described in subsection (2)(a); and
 - (b) that it would be an offence for that person to do so.
- (5) He must, where he ceases to act as the defendant's legal representative at a time when any relevant proceedings are current or in contemplation—
 - (a) inform the prosecutor of that fact, and
 - (b) if he is informed by the prosecutor that the defendant has a new legal representative who has given the prosecutor the undertaking required by this section, give the protected material, and any copies of it in his possession, to the defendant's new legal representative.
- (6) He must, at the time of giving the protected material to the new legal representative under subsection (5), inform that person—
 - (a) that that material is protected material for the purposes of this Act, and
 - (b) of the extent to which—
 - (i) that material has been shown by him, and
 - (ii) any copies of it have been given by him, to any other person (including the defendant).
- (7) He must keep a record of every occasion on which the protected material was shown, or a copy of it was given, as mentioned in subsection (6)(b).

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